



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

August 16, 2022

BY ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Haji Najibullah, et al.*, S2 14 Cr. 401 (KPF)

Dear Judge Failla:

The Government writes to request respectfully that the Court briefly adjourn the deadline for the Government's response to the defendant's motion to compel, which will incorporate the Government's motion pursuant to Section 4 of the Classified Information Procedures Act ("CIPA"), currently due on August 17, 2022, until September 2, 2022. The Government has been advised that additional time is necessary to secure supporting declarations from the various senior U.S. Government officials with responsibility for and personal knowledge of the classified information at issue. *See United States v. Aref*, 533 F.3d 72, 80 (2d Cir. 2008) (specifying that the privilege must be "lodged by the head of the department which has control over the matter, after actual personal consideration by that officer" (citation and quotation marks omitted)). The Government has conferred with defense counsel, who do not oppose the Government's request, and respectfully seeks a commensurate extension to September 16, 2022, to file its reply (to which the Government has no objection), without any change to the currently-scheduled hearing date of September 22, 2022, at 3:30 p.m.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/
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Cc: Defense Counsel (by ECF)

Application GRANTED. The Government shall file its opposition brief no or before September 2, 2022. The Defendant's reply brief shall be filed on or before September 16, 2022. The Clerk of Court is directed to terminate the pending motion at docket number 62.

Dated: August 16, 2022
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE